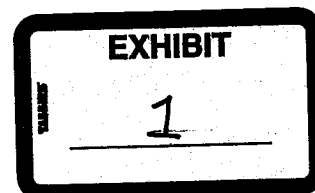


HERBERT L. DuPONT, M.D., 4-14-09

1

1	IN THE UNITED STATES DISTRICT COURT FOR THE		
2	NORTHERN DISTRICT OF OKLAHOMA		
3			
4	W. A. DREW EDMONDSON, in his)		
	capacity as ATTORNEY GENERAL)		
5	OF THE STATE OF OKLAHOMA and)	08:54	
	OKLAHOMA SECRETARY OF THE)	08:54	
6	ENVIRONMENT C. MILES TOLBERT,))		
	in his capacity as the)		
7	TRUSTEE FOR NATURAL RESOURCES)		
	FOR THE STATE OF OKLAHOMA,)		
8)		
	Plaintiff,)		
9)		
	vs.)	4:05-CV-00329-TCK-SAJ	
10)	08:54	
	TYSON FOODS, INC., et al,)	08:54	
11)		
	Defendants.)		
12			
13	- - - - -		
14			
15	VIDEOTAPED DEPOSITION OF HERBERT L. DuPONT, M.D.,	08:54	
		08:54	
16	produced as a witness on behalf of the Plaintiffs in		
17	the above styled and numbered cause, taken on the		
18	14th day of April, 2009, in the City of Oklahoma		
19	City, County of Oklahoma, State of Oklahoma, before		
20	me, Karla E. Barrow, a Certified Shorthand Reporter,	08:54	
		08:54	
21	duly certified under and by virtue of the laws of		
22	the State of Oklahoma.		
23			
24			
25		08:54	
		08:54	

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HERBERT L. DuPONT, M.D., 4-14-09

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1 Q Have you done any studies as to the
2 contamination or the effect that contamination of
3 poultry waste with STEC has -- well, first of all,
4 have you done studies of the examination of poultry
5 waste by STEC? 10:41

6 A No.

7 Q Are you aware of such studies?

8 A I am aware of studies attempting to recover
9 STEC from poultry populations.

10 Q Well, no, I'm talking specifically about the 10:41
11 contamination of their waste with STEC to examine
12 the survivability.

13 A Ah, ah. I have looked at some references, but
14 I haven't done any work in this area.

15 Q Okay. What does your study of that literature 10:42
16 suggest to you?

17 A You can recover E. coli 0157 from poultry
18 litter.

19 Q And that poultry litter promotes the
20 survivability of the E. coli 0157? 10:42

21 A I don't know about promotes the survivability,
22 but you can recover it for periods of time.

23 Q One of the things in your report, Doctor, is
24 your statement that 35 percent of the rivers and 45
25 percent of the lakes do not meet water quality 10:43

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HERBERT L. DuPONT, M.D., 4-14-09

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1 standards; do you recall that?

2 A I do.

3 Q That's -- those statistics related to rivers
4 and lakes throughout the United States; right?

5 A Right. 10:43

6 Q And that was without reference as to the
7 intensity of use of those rivers or lakes?

8 A Right.

9 Q Or without reference as to what the sources of
10 that bacterial contamination might be? 10:43

11 A Correct.

12 Q Does the fact that other rivers or lakes might
13 be contaminated tell us anything about the risk of
14 contamination in the IRW?

15 A Not about risk. 10:44

16 Q Okay. Does it tell you anything about the
17 source of the bacteria found in the IRW?

18 A No.

19 Q Well, what should I derive from seeing those
20 statistics? 10:44

21 A You should derive the fact that the IRW is not
22 different than a very high percentage of other
23 bodies of water in this country.

24 Q As to the issue of contamination of rivers and
25 lakes in the United States by bacteria, the 10:45

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